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Permanent Forum on Indigenous Issues
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Chapter I
Matters calling for action by the Economic and Social Council or brought to its attention

B. Matters brought to the attention of the Economic and Social Council

Half-day discussion on the right to water and indigenous peoples

1. The Permanent Forum welcomes the adoption by the General Assembly of its resolution 64/292, in which the Assembly recognized the right to safe and clean drinking water and sanitation as a human right essential for the full enjoyment of life and all human rights. Furthermore, The Permanent Forum applauds the Special Rapporteur on the human right to safe drinking water and sanitation for her work. The Permanent Forum appreciates her affirmation of the important indivisible, interdependent and interrelated nature of indigenous peoples' human rights, especially within the context of their right to water.

2. Indigenous peoples have a profound relationship with their environment. This includes their distinct rights to water. The Permanent Forum urges States to guarantee those rights, including the right to access to safe, clean, accessible and affordable water for personal, domestic and community use. Water should be treated as a social and cultural good, and not primarily as an economic good. The manner in which the right to water is realized must be sustainable for present and future generations. Moreover, indigenous peoples' access to water resources on their ancestral lands must be protected from encroachment and pollution. Indigenous peoples must have the resources to design, deliver and control their access to water.

3. The Permanent Forum recognizes treaty rights, including associated rights to water, as a key element in the comprehensive discussion of indigenous peoples'

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understanding and interpretation of treaties, agreements and constructive arrangements between indigenous peoples and States.

4. All too often, indigenous peoples face increasing competition for their scarce water reserves from agricultural plantations, as well as from hydroelectric, mining and commercial entities. In many instances, the privatization of water, combined with the failure to provide indigenous peoples with timely and adequate information about how to register their water rights, ignores and abuses indigenous peoples' right to water. In many regions of the world, mining companies have almost depleted water aquifers on which indigenous peoples rely for their drinking water. In other regions, mercury from abandoned gold-rush-era mines and polychlorinated biphenyls (PCBs) and other contaminants have been dumped into all water sources, polluting the water supply and making seafood, a staple of the traditional diet, unsafe for human consumption.

5. The Permanent Forum urges States to recognize and protect indigenous peoples' cultural right to water and, through legislation and policy, to support the right of indigenous peoples to hunt and gather food resources from waters used for cultural, economic and commercial purposes. This is consistent with article 25 of the United Nations Declaration on the Rights of Indigenous Peoples.

6. The Permanent Forum urges States to include indigenous peoples in decision-making processes in all areas of water management, including commercial use, irrigation and environmental management, and to ensure that such decision-making processes are consistent with the principles of the United Nations Declaration on the Rights of Indigenous Peoples, in particular its article 32, under which the free and informed consent of indigenous peoples is required prior to the approval of any project affecting their lands or territories and other resources.

7. The Permanent Forum urges States to increase the provision of funding to indigenous peoples and communities for water and wastewater systems in order to improve the quality of drinking water and wastewater infrastructure as well as address water pollution and degradation in indigenous communities.